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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/788,503

02/27/2004

Maneesh Agrawala

M61.12-0607

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11/21/2008

WESTMAN CHAMPLIN (MICROSOFT CORPORATION)

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MINNEAPOLIS, MN 55402-3244

EXAMINER

FABER, DAVID

ART UNIT

PAPER NUMBER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* MANEESH AGRAWALA,  
STEVEN M. DRUCKER,  
RONALD KEITH LOGAN,  
TRAUSTI THOR KRISTJANSSON,  
TIM PAEK, KENTARO TOYAMA,  
AND ANDREW DAVID WILSON

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Application No. 10/788,503  
Technology Center 2178

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Mailed: November 21, 2008

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Before DELORES LOWE, *Review Team Paralegal*  
LOWE, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on October 15, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the

application is herewith being returned to the Examiner to address the following matters requiring attention prior to docketing.

**APPEAL BRIEF, CLAIMS APPENDIX**

A review of the Appeal Brief filed November 6, 2007 reveals that claim 33 in the Claims appendix of the Appeal Brief is not in proper format and/or are not consistent as amended in the last entered amendment filed on March 29, 2007. The copy of the claims should be in proper format and should not include any markings such as brackets or underlining except for claims in a reissue application in accordance with 37 CFR 41.37(c)(1)(viii). Furthermore, the Claims Appendix cannot assume entry of After Final Submissions for which an Advisory Action (or other Office communication) has not advised of entry. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8<sup>th</sup> ed. Rev. 6, Sept 2007) for details.

Specifically, claim 30, as provided in the Brief's Claims Appendix, reads: "browsing system for displaying . . ."

However, in the last entered Amendment dated March 29, 2007, claim 30, and reads: "A browsing system for displaying . . ." Appropriate correction of all claims provided in the Claims Appendix in proper format is required.

**EXAMINER'S ANSWER, EVIDENCE RELIED UPON**

On January 9, 2008, an Examiner's Answer was mailed it appears that the Examiner's Answer cites "Borman et al (U.S. 6,226,655)" as prior art of record. However, under the heading "Grounds of Rejection" page 17, the examiner reference Borman et al (US Patent 6,226,955). A clarification of which reference is the prior art relied upon in the rejection is required.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) correction of the Claims Appendix of the Brief filed January 9, 2008;
- 2) to clarify which references are to be considered as the prior art;
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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